

Congress of the United States
Washington, DC 20515

March 28, 2012

The Honorable Kathryn Ruemmler
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Ruemmler:

The congressional investigation into Operation Fast and Furious has revealed communications between Kevin O'Reilly, a former member of the National Security Staff, and William Newell, the ATF Special Agent in Charge of the Phoenix Field Division. It is our understanding that it is unusual for an agent in charge of a field division of a subcomponent of the Justice Department to have direct communication with the White House. Newell's communications seem to recognize the unusual nature of the contact. For instance, in a September 3, 2010, e-mail to O'Reilly referring to Fast and Furious, Newell stated, "You didn't get these from me. . ."¹ Another e-mail shows Newell's intent to circumvent his leadership structure in talking with O'Reilly: "Just don't want ATF HQ to find out, especially since this is what they should be doing (briefing you)!"² During the Committee's July 26, 2011, hearing on Fast and Furious, Newell was unable to explain why these e-mails were inappropriate, or why he had direct contact with O'Reilly about an ongoing criminal investigation.³

To this day, Newell has failed to disown Fast and Furious or admit the flawed nature of the program. This failure has raised new questions. Was Newell looking for authorization outside of his chain-of-command in order to continue this deadly program? What did O'Reilly know about the objectives and tactics used in Fast and Furious and with whom did he share his knowledge? These questions are germane to the Committee's investigation. O'Reilly is the only person capable of supplying accurate answers to them.

To date, the White House has not complied with multiple congressional requests to interview O'Reilly. Our staffs have had extensive discussions with lawyers in your office, who have represented that the White House does not perceive any need for us to interview O'Reilly and consequently will not make arrangements for him to speak to us. Although O'Reilly is currently stationed in Iraq, our staffs have made it clear that a telephonic interview would be acceptable. O'Reilly's personal lawyer has represented to the Committee that he would permit his client to speak with the Committee in the absence of any objections from the White House.

O'Reilly's testimony is necessary to allow us to begin to determine the extent of the involvement – if any – of White House staff in Operation Fast and Furious. As such, we strongly

¹ E-mail from William Newell to Kevin O'Reilly (Sept. 3, 2010) [HOCR DOJ 002559].

² E-mail from William Newell to Kevin O'Reilly (July 28, 2010) [HOCR 002664].

³ *Operation Fast and Furious: The Other Side of the Border: Hearing Before the H. Comm. on Oversight and Gov't Reform*, 112th Cong. (July 26, 2011) (Test. of William Newell).

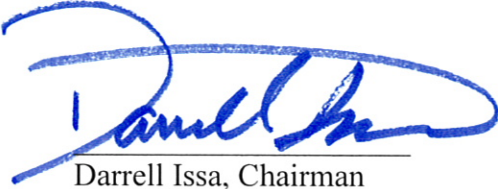
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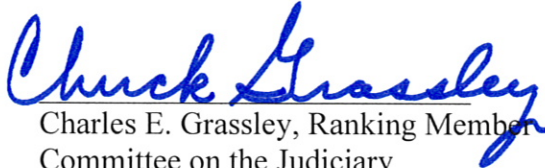
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urge you to reverse your position and facilitate an interview with O'Reilly without further delay. Please inform us as soon as possible, but by no later than April 4, 2012, of the date on which you plan to make him available for an interview. Should you have any questions, please call Ashok Pinto or Henry Kerner of Chairman Issa's staff at (202) 225-5074 or Tristan Leavitt of Ranking Member Grassley's staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Issa", with a large, stylized flourish at the end.

Darrell Issa, Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives

A handwritten signature in blue ink, appearing to read "Chuck Grassley", with a large, stylized flourish at the end.

Charles E. Grassley, Ranking Member
Committee on the Judiciary
U.S. Senate

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
Committee on Oversight and Government Reform

The Honorable Patrick Leahy, Chairman, U.S. Senate, Committee on the Judiciary